

MS4 SWPPP Application for Reauthorization

for the NPDES/SDS General Small Municipal Separate
Storm Sewer System (MS4) Permit MNR040000
reissued with an effective date of August 1, 2013
Stormwater Pollution Prevention Program (SWPPP) Document

Doc Type: Permit Application

Instructions: This application is for authorization to discharge stormwater associated with Municipal Separate Storm Sewer Systems (MS4s) under the National Pollutant Discharge Elimination System/State Disposal System (NPDES/SDS) Permit Program. **No fee** is required with the submittal of this application. Please refer to "Example" for detailed instructions found on the Minnesota Pollution Control Agency (MPCA) MS4 website at <http://www.pca.state.mn.us/ms4>.

Submittal: This MS4 SWPPP Application for Reauthorization form must be submitted electronically via e-mail to the MPCA at ms4permitprogram.pca@state.mn.us from the person that is duly authorized to certify this form. All questions with an asterisk (*) are required fields. All applications will be returned if required fields are not completed.

Questions: Contact Claudia Hochstein at 651-757-2881 or claudia.hochstein@state.mn.us, Dan Miller at 651-757-2246 or daniel.miller@state.mn.us, or call toll-free at 800-657-3864.

General Contact Information (*Required fields)

MS4 Owner (with ownership or operational responsibility, or control of the MS4)

*MS4 permittee name: City of Arden Hills *County: Ramsey
(city, county, municipality, government agency or other entity)
*Mailing address: 1245 West Highway 96
*City: Arden Hills *State: MN *Zip code: 55112-5743
*Phone (including area code): 651-792-7800 *E-mail: janderson@cityofardenhills.org

MS4 General contact (with Stormwater Pollution Prevention Program [SWPPP] implementation responsibility)

*Last name: Anderson *First name: John
(department head, MS4 coordinator, consultant, etc.)
*Title: Assistant City Engineer
*Mailing address: 1245 West Highway 96
*City: Arden Hills *State: MN *Zip code: 55112-5743
*Phone (including area code): 651-792-7846 *E-mail: janderson@cityofardenhills.org

Preparer information (complete if SWPPP application is prepared by a party other than MS4 General contact)

Last name: Anderson First name: John
(department head, MS4 coordinator, consultant, etc.)
Title: Assistant City Engineer
Mailing address: 1245 West Highway 96
City: Arden Hills State: MN Zip code: 55112-5743
Phone (including area code): 651-792-7846 E-mail: janderson@cityofardenhills.org

Verification

1. I seek to continue discharging stormwater associated with a small MS4 after the effective date of this Permit, and shall submit this MS4 SWPPP Application for Reauthorization form, in accordance with the schedule in Appendix A, Table 1, with the SWPPP document completed in accordance with the Permit (Part II.D.). ☒ Yes
2. I have read and understand the NPDES/SDS MS4 General Permit and certify that we intend to comply with all requirements of the Permit. ☒ Yes

Certification (All fields are required)

- ☒ Yes - I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted.

I certify that based on my inquiry of the person, or persons, who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete.

I am aware that there are significant penalties for submitting false information, including the possibility of civil and criminal penalties.

This certification is required by Minn. Stat. §§ 7001.0070 and 7001.0540. The authorized person with overall, MS4 legal responsibility must certify the application (principal executive officer or a ranking elected official).

By typing my name in the following box, I certify the above statements to be true and correct, to the best of my knowledge, and that this information can be used for the purpose of processing my application.

Name: John M. Anderson
(This document has been electronically signed)

Title: Assistant City Engineer Date (mm/dd/yyyy): 10/30/13 (revised 12/04/13)

Mailing address: 1245 West Highway 96

City: Arden Hills State: MN Zip code: 55112-5743

Phone (including area code): 651-792-7846 E-mail: janderson@cityofardenhills.org

Note: The application will not be
processed without certification.

Stormwater Pollution Prevention Program Document

I. Partnerships: (Part II.D.1)

- A. List the **regulated small MS4(s)** with which you have established a partnership in order to satisfy one or more requirements of this Permit. Indicate which Minimum Control Measure (MCM) requirements or other program components that each partnership helps to accomplish (List all that apply). Check the box below if you currently have no established partnerships with other regulated MS4s. If you have more than five partnerships, hit the tab key after the last line to generate a new row.

☐ No partnerships with regulated small MS4s

Name and description of partnership	MCM/Other permit requirements involved
Rice Creek Watershed District	MCM 1 Public Education
Ramsey County Conservation District	MCM 4 Construction site inspections

- B. If you have additional information that you would like to communicate about your partnerships with other regulated small MS4(s), provide it in the space below, or include an attachment to the SWPPP Document, with the following file naming convention: *MS4NameHere_Partnerships*.

II. Description of Regulatory Mechanisms: (Part II.D.2)

Illicit discharges

- A. Do you have a regulatory mechanism(s) that effectively prohibits non-stormwater discharges into your small MS4, except those non-stormwater discharges authorized under the Permit (Part III.D.3.b.)? ☒ Yes ☐ No

1. If **yes**:

- a. Check which *type* of regulatory mechanism(s) your organization has (check all that apply):

☒ Ordinance ☐ Contract language
☐ Policy/Standards ☐ Permits
☐ Rules
☐ Other, explain: _____

- b. Provide either a direct link to the mechanism selected above or attach it as an electronic document to this form; or if your regulatory mechanism is either an Ordinance or a Rule, you may provide a citation:

Citation:

Direct link:

☒ Check here if attaching an electronic copy of your regulatory mechanism, with the following file naming convention: *MS4NameHere_IDDEreg*.

2. If **no**:

Describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, this permit requirement is met:

Construction site stormwater runoff control

- A. Do you have a regulatory mechanism(s) that establishes requirements for erosion and sediment controls and waste controls? ☒ Yes ☐ No

1. If **yes**:

- a. Check which *type* of regulatory mechanism(s) your organization has (check all that apply):

- ☒ Ordinance ☐ Contract language
☐ Policy/Standards ☐ Permits
☐ Rules
☐ Other, explain: _____

- b. Provide either a direct link to the mechanism selected above or attach it as an electronic document to this form; or if your regulatory mechanism is either an Ordinance or a Rule, you may provide a citation:

Citation:

Direct link:

- ☒ Check here if attaching an electronic copy of your regulatory mechanism, with the following file naming convention: *MS4NameHere_CSWreg*.

- B. Is your regulatory mechanism at least as stringent as the MPCA general permit to Discharge Stormwater Associated with Construction Activity (as of the effective date of the MS4 Permit)? ☐ Yes ☒ No

If you answered **yes** to the above question, proceed to C.

If you answered **no** to either of the above permit requirements listed in A. or B., describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met:

review existing ordinance within 6 months, revise to make ordinance as stringent as the MPCA general permit and obtain City Council approval within 12 months

- C. Answer **yes** or **no** to indicate whether your regulatory mechanism(s) requires owners and operators of construction activity to develop site plans that incorporate the following erosion and sediment controls and waste controls as described in the Permit (Part III.D.4.a.(1)-(8)), and as listed below:

- | | |
|--|---|
| 1. Best Management Practices (BMPs) to minimize erosion. | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 2. BMPs to minimize the discharge of sediment and other pollutants. | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 3. BMPs for dewatering activities. | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 4. Site inspections and records of rainfall events | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 5. BMP maintenance | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 6. Management of solid and hazardous wastes on each project site. | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 7. Final stabilization upon the completion of construction activity, including the use of perennial vegetative cover on all exposed soils or other equivalent means. | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 8. Criteria for the use of temporary sediment basins. | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |

If you answered **no** to any of the above permit requirements, describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met:

review existing ordinance within 6 months, revise ordinance to match requirements described in permit (Part III.D.4.a.(1)-(8)) and obtain City Council approval within 12 months

Post-construction stormwater management

- A. Do you have a regulatory mechanism(s) to address post-construction stormwater management activities? ☒ Yes ☐ No

1. If **yes**:

- a. Check which *type* of regulatory mechanism(s) your organization has (check all that apply):

- ☐ Ordinance ☐ Contract language
☒ Policy/Standards ☐ Permits
☐ Rules
☐ Other, explain: _____

- b. Provide either a direct link to the mechanism selected above or attach it as an electronic document to this form; or if your regulatory mechanism is either an Ordinance or a Rule, you may provide a citation:

Citation:

Direct link:

☐ Check here if attaching an electronic copy of your regulatory mechanism, with the following file naming convention: *MS4NameHere_PostCSWreg*.

- B. Answer **yes** or **no** below to indicate whether you have a regulatory mechanism(s) in place that meets the following requirements as described in the Permit (Part III.D.5.a.):

1. **Site plan review:** Requirements that owners and/or operators of construction activity submit site plans with post-construction stormwater management BMPs to the permittee for review and approval, prior to start of construction activity. ☒ Yes ☐ No
2. **Conditions for post construction stormwater management:** Requires the use of any combination of BMPs, with highest preference given to Green Infrastructure techniques and practices (e.g., infiltration, evapotranspiration, reuse/harvesting, conservation design, urban forestry, green roofs, etc.), necessary to meet the following conditions on the site of a construction activity to the Maximum Extent Practicable (MEP):
 - a. For new development projects – no net increase from pre-project conditions (on an annual average basis) of: ☐ Yes ☒ No
 - 1) Stormwater discharge volume, unless precluded by the stormwater management limitations in the Permit (Part III.D.5.a(3)(a)).
 - 2) Stormwater discharges of Total Suspended Solids (TSS).
 - 3) Stormwater discharges of Total Phosphorus (TP).
 - b. For redevelopment projects – a net reduction from pre-project conditions (on an annual average basis) of: ☐ Yes ☒ No
 - 1) Stormwater discharge volume, unless precluded by the stormwater management limitations in the Permit (Part III.D.5.a(3)(a)).
 - 2) Stormwater discharges of TSS.
 - 3) Stormwater discharges of TP.
3. **Stormwater management limitations and exceptions:**
 - a. Limitations
 - 1) Prohibit the use of infiltration techniques to achieve the conditions for post-construction stormwater management in the Permit (Part III.D.5.a(2)) when the infiltration structural stormwater BMP will receive discharges from, or be constructed in areas: ☐ Yes ☒ No
 - a) Where industrial facilities are not authorized to infiltrate industrial stormwater under an NPDES/SDS Industrial Stormwater Permit issued by the MPCA.
 - b) Where vehicle fueling and maintenance occur.
 - c) With less than three (3) feet of separation distance from the bottom of the infiltration system to the elevation of the seasonally saturated soils or the top of bedrock.
 - d) Where high levels of contaminants in soil or groundwater will be mobilized by the infiltrating stormwater.
 - 2) Restrict the use of infiltration techniques to achieve the conditions for post-construction stormwater management in the Permit (Part III.D.5.a(2)), without higher engineering review, sufficient to provide a functioning treatment system and prevent adverse impacts to groundwater, when the infiltration device will be constructed in areas: ☐ Yes ☒ No
 - a) With predominately Hydrologic Soil Group D (clay) soils.
 - b) Within 1,000 feet up-gradient, or 100 feet down-gradient of active karst features.
 - c) Within a Drinking Water Supply Management Area (DWSMA) as defined in Minn. R. 4720.5100, subp. 13.
 - d) Where soil infiltration rates are more than 8.3 inches per hour.
 - 3) For linear projects where the lack of right-of-way precludes the installation of volume control practices that meet the conditions for post-construction stormwater management in the Permit (Part III.D.5.a(2)), the permittee's regulatory mechanism(s) may allow exceptions as described in the Permit (Part III.D.5.a(3)(b)). The permittee's regulatory mechanism(s) shall ensure that a reasonable attempt be made to obtain right-of-way during the project planning process. ☐ Yes ☒ No

4. **Mitigation provisions:** The permittee's regulatory mechanism(s) shall ensure that any stormwater discharges of TSS and/or TP not addressed on the site of the original construction activity are addressed through mitigation and, at a minimum, shall ensure the following requirements are met:
- a. Mitigation project areas are selected in the following order of preference: ☐ Yes ☒ No
 - 1) Locations that yield benefits to the same receiving water that receives runoff from the original construction activity.
 - 2) Locations within the same Minnesota Department of Natural Resource (DNR) catchment area as the original construction activity.
 - 3) Locations in the next adjacent DNR catchment area up-stream
 - 4) Locations anywhere within the permittee's jurisdiction.
 - b. Mitigation projects must involve the creation of new structural stormwater BMPs or the retrofit of existing structural stormwater BMPs, or the use of a properly designed regional structural stormwater BMP. ☐ Yes ☒ No
 - c. Routine maintenance of structural stormwater BMPs already required by this permit cannot be used to meet mitigation requirements of this part. ☐ Yes ☒ No
 - d. Mitigation projects shall be completed within 24 months after the start of the original construction activity. ☐ Yes ☒ No
 - e. The permittee shall determine, and document, who will be responsible for long-term maintenance on all mitigation projects of this part. ☐ Yes ☒ No
 - f. If the permittee receives payment from the owner and/or operator of a construction activity for mitigation purposes in lieu of the owner or operator of that construction activity meeting the conditions for post-construction stormwater management in Part III.D.5.a(2), the permittee shall apply any such payment received to a public stormwater project, and all projects must be in compliance with Part III.D.5.a(4)(a)-(e). ☐ Yes ☒ No
5. **Long-term maintenance of structural stormwater BMPs:** The permittee's regulatory mechanism(s) shall provide for the establishment of legal mechanisms between the permittee and owners or operators responsible for the long-term maintenance of structural stormwater BMPs not owned or operated by the permittee, that have been implemented to meet the conditions for post-construction stormwater management in the Permit (Part III.D.5.a(2)). This only includes structural stormwater BMPs constructed after the effective date of this permit and that are directly connected to the permittee's MS4, and that are in the permittee's jurisdiction. The legal mechanism shall include provisions that, at a minimum:
- a. Allow the permittee to conduct inspections of structural stormwater BMPs not owned or operated by the permittee, perform necessary maintenance, and assess costs for those structural stormwater BMPs when the permittee determines that the owner and/or operator of that structural stormwater BMP has not conducted maintenance. ☐ Yes ☒ No
 - b. Include conditions that are designed to preserve the permittee's right to ensure maintenance responsibility, for structural stormwater BMPs not owned or operated by the permittee, when those responsibilities are legally transferred to another party. ☐ Yes ☒ No
 - c. Include conditions that are designed to protect/preserve structural stormwater BMPs and site features that are implemented to comply with the Permit (Part III.D.5.a(2)). If site configurations or structural stormwater BMPs change, causing decreased structural stormwater BMP effectiveness, new or improved structural stormwater BMPs must be implemented to ensure the conditions for post-construction stormwater management in the Permit (Part III.D.5.a(2)) continue to be met. ☐ Yes ☒ No

If you answered **no** to any of the above permit requirements, describe the tasks and corresponding schedules that will be taken to assure that, within twelve (12) months of the date permit coverage is extended, these permit requirements are met:

review existing policies and ordinances within 6 months, revise to regulate post construction stormwater management by ordinance and obtain City Council approval within 12 months

III. Enforcement Response Procedures (ERPs): (Part II.D.3)

- A. Do you have existing ERPs that satisfy the requirements of the Permit (Part III.B.)? ☐ Yes ☒ No
- 1. If **yes**, attach them to this form as an electronic document, with the following file naming convention: *MS4NameHere_ERPs*.
 - 2. If **no**, describe the tasks and corresponding schedules that will be taken to assure that, with twelve (12) months of the date permit coverage is extended, these permit requirements are met:
review existing policies and ordinances within 6 months, revise and obtain City Council approval within 12 months

B. Describe your ERPs:

We currently issue grading and erosion control permits to construction projects. During construction we contract with Ramsey County Conservation District to inspect the erosion and sediment control on site. If compliance becomes a problem and the inspector is not able to gain compliance the Assistant City Engineer becomes involved in employing the various tools available to gain compliance including, stop work orders and drawing on escrows to complete work, denial of certificate of occupancy, etc.

IV. Storm Sewer System Map and Inventory: (Part II.D.4.)

A. Describe how you manage your storm sewer system map and inventory:

Historically the City has maintained a schematic map showing storm conveyance and BMP location. During 2013 We have undertaken an initiative to provide much more detail in this mapping. We collected accurate locations on all storm sewer inlets and manholes and identified additional outfalls not previously mapped. All this data is mapped in Arcview and contains attributes to describe the system.

B. Answer **yes** or **no** to indicate whether your storm sewer system map addresses the following requirements from the Permit (Part III.C.1.a-d), as listed below:

1. The permittee's entire small MS4 as a goal, but at a minimum, all pipes 12 inches or greater in diameter, including stormwater flow direction in those pipes. ☒ Yes ☐ No
2. Outfalls, including a unique identification (ID) number assigned by the permittee, and an associated geographic coordinate. ☒ Yes ☐ No
3. Structural stormwater BMPs that are part of the permittee's small MS4. ☒ Yes ☐ No
4. All receiving waters. ☒ Yes ☐ No

If you answered **no** to any of the above permit requirements, describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met:

C. Answer **yes** or **no** to indicate whether you have completed the requirements of 2009 Minnesota Session Law, Ch. 172. Sec. 28: with the following inventories, according to the specifications of the Permit (Part III.C.2.a.-b.), including:

1. All ponds within the permittee's jurisdiction that are constructed and operated for purposes of water quality treatment, stormwater detention, and flood control, and that are used for the collection of stormwater via constructed conveyances. ☐ Yes ☒ No
2. All wetlands and lakes, within the permittee's jurisdiction, that collect stormwater via constructed conveyances. ☐ Yes ☒ No

D. Answer **yes** or **no** to indicate whether you have completed the following information for each feature inventoried.

1. A unique identification (ID) number assigned by the permittee. ☐ Yes ☒ No
2. A geographic coordinate. ☐ Yes ☒ No
3. Type of feature (e.g., pond, wetland, or lake). This may be determined by using best professional judgment. ☐ Yes ☒ No

If you have answered **yes** to all above requirements, and you have already submitted the Pond Inventory Form to the MPCA, then you do not need to resubmit the inventory form below.

If you answered **no** to any of the above permit requirements, describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met:

within the next 12 months we will identify all pond data as required by Part IV, C and D and add it to our Arcview data

E. Answer **yes** or **no** to indicate if you are attaching your pond, wetland and lake inventory to the MPCA on the form provided on the MPCA website at: <http://www.pca.state.mn.us/ms4>, according to the specifications of Permit (Part III.C.2.b.(1)-(3)). Attach with the following file naming convention: *MS4NameHere_inventory*. ☐ Yes ☒ No

If you answered **no**, the inventory form must be submitted to the MPCA MS4 Permit Program within 12 months of the date permit coverage is extended.

V. Minimum Control Measures (MCMs) (Part II.D.5)

A. MCM1: Public education and outreach

1. The Permit requires that, within 12 months of the date permit coverage is extended, existing permittees revise their education and outreach program that focuses on illicit discharge recognition and reporting, as well as other specifically selected stormwater-related issue(s) of high priority to the permittee during this permit term. Describe your **current** educational program, including **any high-priority topics included**:

The current education program main focus is related to topics of concern to residential property and residential storm discharge. the basic messages are related to the fact that there is no "treatment plant" that storm water goes to and what you put on the ground and in the street will end up in the lakes and rivers.

2. List the categories of BMPs that address your public education and outreach program, including the distribution of educational materials and a program implementation plan. Use the first table for categories of BMPs that you have established and the second table for categories of BMPs that you plan to implement over the course of the permit term.

Include the measurable goals with appropriate timeframes that each BMP category will be implemented and completed. In addition, provide interim milestones and the frequency of action in which the permittee will implement and/or maintain the BMPs. Refer to the U.S. Environmental Protection Agency's (EPA) *Measurable Goals Guidance for Phase II Small MS4s* (<http://www.epa.gov/npdes/pubs/measurablegoals.pdf>).

If you have more than five categories, hit the tab key after the last line to generate a new row.

Established BMP categories	Measurable goals and timeframes
Educational materials	Number of articles published annually
Annual public meeting	Hold meeting
Rain Garden Planting	Hold event
BMP categories to be implemented	Measurable goals and timeframes
Revise the education and outreach program to include specifically selected stormwater related issue	Annually identify specific issue to include in the current year's education and outreach program
Revise the education and outreach program to include illicit discharge recognition and reporting	Revised program within 12 months of permit coverage extension
Review education and outreach priorities and modify the program as needed	Review complete, modifications implemented, annually
Documentation of specifically selected stormwater related issue, implementation plans, annual review findings, activities held and materials distributed to address MCM1	Complete written documentation annually

3. Provide the name or the position title of the individual(s) who is responsible for implementing and/or coordinating this MCM:

John Anderson, Assistant City Engineer

B. MCM2: Public participation and involvement

1. The Permit (Part III.D.2.a.) requires that, within 12 months of the date permit coverage is extended, existing permittees shall revise their current program, as necessary, and continue to implement a public participation/involvement program to solicit public input on the SWPPP. Describe your current program:

Our current public participation and involvement is centered around the annual public meeting. This meeting is noticed as required and held during a regularly scheduled City Council meeting. This meeting is broadcast on the city cable channel and is available for future viewing on the internet on demand as well as being repeated on the cable channel

2. List the categories of BMPs that address your public participation/involvement program, including solicitation and documentation of public input on the SWPPP. Use the first table for categories of BMPs that you have established and the second table for categories of BMPs that you plan to implement over the course of the permit term.

Include the measurable goals with appropriate timeframes that each BMP category will be implemented and completed. In addition, provide interim milestones and the frequency of action in which the permittee will implement and/or maintain the BMPs. Refer to the EPA's *Measurable Goals Guidance for Phase II Small MS4s* (<http://www.epa.gov/npdes/pubs/measurablegoals.pdf>).

If you have more than five categories, hit the tab key after the last line to generate a new row.

Established BMP categories	Measurable goals and timeframes
Annual Meeting	Hold annual meeting, each year
Advertise annual meeting	Publish advertisement, every year

Rain garden planting	Hold event with pavement management project, when there is a pavement management project with rain garden construction
BMP categories to be implemented	Measurable goals and timeframes
Document citizen input as it is received	Completed journal of input each year

3. Do you have a process for receiving and documenting citizen input? ☒ Yes ☐ No

If you answered **no** to the above permit requirement, describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, this permit requirement is met:

4. Provide the name or the position title of the individual(s) who is responsible for implementing and/or coordinating this MCM:

John Anderson, Assistant City Engineer

C. MCM 3: Illicit discharge detection and elimination

1. The Permit (Part III.D.3.) requires that, within 12 months of the date permit coverage is extended, existing permittees revise their current program as necessary, and continue to implement and enforce a program to detect and eliminate illicit discharges into the small MS4. Describe your current program:

Our current program for illicit discharge detection relies on three main sources of detection to identify problem areas. the first line of defence comes from our citizens who can see the largest portion of our city and are not afraid to contact the city if they see a problem. The second is our employees who are traveling throughout the city daily and see much of our storm water infrastructure each day. the third line of defence is rooted in our outfall and waterbody inspections which cover a portion of the city annually.

2. Does your Illicit Discharge Detection and Elimination Program meet the following requirements, as found in the Permit (Part III.D.3.c.-g.)?

- | | |
|---|---|
| a. Incorporation of illicit discharge detection into all inspection and maintenance activities conducted under the Permit (Part III.D.6.e.-f.)Where feasible, illicit discharge inspections shall be conducted during dry-weather conditions (e.g., periods of 72 or more hours of no precipitation). | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| b. Detecting and tracking the source of illicit discharges using visual inspections. The permittee may also include use of mobile cameras, collecting and analyzing water samples, and/or other detailed procedures that may be effective investigative tools. | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| c. Training of all field staff, in accordance with the requirements of the Permit (Part III.D.6.g.(2)), in illicit discharge recognition (including conditions which could cause illicit discharges), and reporting illicit discharges for further investigation. | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| d. Identification of priority areas likely to have illicit discharges, including at a minimum, evaluating land use associated with business/industrial activities, areas where illicit discharges have been identified in the past, and areas with storage of large quantities of significant materials that could result in an illicit discharge. | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| e. Procedures for the timely response to known, suspected, and reported illicit discharges. | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| f. Procedures for investigating, locating, and eliminating the source of illicit discharges. | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| g. Procedures for responding to spills, including emergency response procedures to prevent spills from entering the small MS4. The procedures shall also include the immediate notification of the Minnesota Department of Public Safety Duty Officer, if the source of the illicit discharge is a spill or leak as defined in Minn. Stat. § 115.061. | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| h. When the source of the illicit discharge is found, the permittee shall use the ERPs required by the Permit (Part III.B.) to eliminate the illicit discharge and require any needed corrective action(s). | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |

If you answered **no** to any of the above permit requirements, describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met:

within 6 months identify procedures to implement to satisfy items 2.e,f,g, and h above. Within 12 months draft ordinances

and receive City council approval to provide the legal basis needed to use ERP's to eliminate illicit discharge and require any needed corrective action(s).

- List the categories of BMPs that address your illicit discharge, detection and elimination program. Use the first table for categories of BMPs that you have established and the second table for categories of BMPs that you plan to implement over the course of the permit term.

Include the measurable goals with appropriate timeframes that each BMP category will be implemented and completed. In addition, provide interim milestones and the frequency of action in which the permittee will implement and/or maintain the BMPs. Refer to the EPA's *Measurable Goals Guidance for Phase II Small MS4s* (<http://www.epa.gov/npdes/pubs/measurablegoals.pdf>).

If you have more than five categories, hit the tab key after the last line to generate a new row.

Established BMP categories	Measurable goals and timeframes
Storm sewer map	Complete mapping revisions annually
Regulatory Control Program	Implementation of ordinance and review each year
Illicit Discharge Detection and Elimination Plan	Number located annually
Public and employee illicit discharge information program	Number of signs / stencils installed annually
Identification of Non Stormwater Discharges	Number of illicit discharges located each year
BMP categories to be implemented	Measurable goals and timeframes
Review procedures related record keeping and identify modifications to existing practices	Complete review, within 6 month of the date coverage is extended
Implement modifications to record keeping	Include results documented with record keeping reports in the second and subsequent years annual meeting
Develop procedures for response to reported illicit discharges and eliminating the source of discharges	Completed written procedures ,Within 6 month of permit coverage extension
Develop procedures for responding to spills	Completed written procedures ,Within 6 month of permit coverage extension
Develop ERP for response to eliminate illicit discharges and eliminating the source of discharges	Completed written procedures, Within 6 month of permit coverage extension. Within 12 month, modify existing ordinance as need ed to provide authority to implement ERP
Complete a pond inventory per 2009 legislative mandate	Pond inventory completed within 12 months of permit coverage extension
Annual outfall inspections to include observations of potential illicit discharge	20% of outfalls inspected annually or at least once in the permit term
Pond inspections to include observations of potential illicit discharge	20% of ponds inspected annually or at least once in the permit term
Training of all field staff in illicit discharge recognition	Conduct annual training
Complete identification of priory areas for illicit discharge	Map area of priority completed in second year of the permit
Develop procedures for investigating, locating and eliminating illicit discharges	Procedures developed in the third year of the permit
Documentation of specific information related to this minimum control measure	Identify a process to keep records, incorporate the process into the standard procedures and complete documentation annually

- Do you have procedures for record-keeping within your Illicit Discharge Detection and Elimination (IDDE) program as specified within the Permit (Part III.D.3.h.)? ☐ Yes ☒ No

If you answered **no**, indicate how you will develop procedures for record-keeping of your Illicit Discharge, Detection and Elimination Program, within 12 months of the date permit coverage is extended:

within 6 months identify a process to keep records that complies with the permit (Part III.D3.h), incoroprate the process to standard procedures within 12 months.

- Provide the name or the position title of the individual(s) who is responsible for implementing and/or coordinating this MCM:

John Anderson, Assistant City Engineer

D. MCM 4: Construction site stormwater runoff control

1. The Permit (Part III.D.4) requires that, within 12 months of the date permit coverage is extended, existing permittees shall revise their current program, as necessary, and continue to implement and enforce a construction site stormwater runoff control program. Describe your current program:

The City of Arden Hills currently requires grading and erosion control plans for all projects that move more than 50 cubic yards or disturb more than 5,000 square feet. The plan submitted is reviewed for compliance with the applications of BMPs required, as part of the review we ask for copies of the NPDES construction permit and Rice Creek Watershed District permit, if one applies.

2. Does your program address the following BMPs for construction stormwater erosion and sediment control as required in the Permit (Part III.D.4.b.):
- a. Have you established written procedures for site plan reviews that you conduct prior to the start of construction activity? ☐ Yes ☒ No
 - b. Does the site plan review procedure include notification to owners and operators proposing construction activity that they need to apply for and obtain coverage under the MPCA's general permit to *Discharge Stormwater Associated with Construction Activity No. MN R100001*? ☒ Yes ☐ No
 - c. Does your program include written procedures for receipt and consideration of reports of noncompliance or other stormwater related information on construction activity submitted by the public to the permittee? ☐ Yes ☒ No
 - d. Have you included written procedures for the following aspects of site inspections to determine compliance with your regulatory mechanism(s):
 - 1) Does your program include procedures for identifying priority sites for inspection? ☐ Yes ☒ No
 - 2) Does your program identify a frequency at which you will conduct construction site inspections? ☐ Yes ☒ No
 - 3) Does your program identify the names of individual(s) or position titles of those responsible for conducting construction site inspections? ☐ Yes ☒ No
 - 4) Does your program include a checklist or other written means to document construction site inspections when determining compliance? ☐ Yes ☒ No
 - e. Does your program document and retain construction project name, location, total acreage to be disturbed, and owner/operator information? ☐ Yes ☒ No
 - f. Does your program document stormwater-related comments and/or supporting information used to determine project approval or denial? ☐ Yes ☒ No
 - g. Does your program retain construction site inspection checklists or other written materials used to document site inspections? ☒ Yes ☐ No

If you answered **no** to any of the above permit requirements, describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met.

within 6 month collect the current practice in construction site runoff control in writing. Within 12 months compare the current practice with the requirements of the permit (Part III.D.4.b) and make modifications as necessary and document the revised process in writing.

3. List the categories of BMPs that address your construction site stormwater runoff control program. Use the first table for categories of BMPs that you have established and the second table for categories of BMPs that you plan to implement over the course of the permit term.

Include the measurable goals with appropriate timeframes that each BMP category will be implemented and completed. In addition, provide interim milestones and the frequency of action in which the permittee will implement and/or maintain the BMPs. Refer to the EPA's *Measurable Goals Guidance for Phase II Small MS4s* (<http://www.epa.gov/npdes/pubs/measurablegoals.pdf>). **If you have more than five categories**, hit the tab key after the last line to generate a new row.

Established BMP categories	Measurable goals and timeframes
Regulatory Mechanism	Review ordinance annually, revise ordinance to meet requirement in Part III.D.4.a.(1) and (2) within one year
Construction Site Implementation of Erosion and Sediment Control BMPs	Number of plans reviewed annually
Waste Controls for Construction Site Operators	Number of sites reviewed annually
Procedures for Site Plan Review	Number of plans reviewed annually
Establishment of Procedures for the receipt and consideration of reports of stormwater non compliance	Distribute information
Establishment of procedures for site inspections and enforcement	Number of permits issued annually
BMP categories to be implemented	Measurable goals and timeframes

Establish written procedures for site plan reviews, reports of non compliance, site inspections	Collect data on current practices within 6 months. Complete written procedures within 12 months of permit coverage extension
Develop a written documentation process to retain records on permit applications	Collect data on current practices within 6 months. Complete written procedures within 12 months of permit coverage extension
Evaluate the procedures as documented and make adjustments as needed	After the procedure has been in place for two years complete the evaluation within 6 months and have modifications in place within 12 months

4. Provide the name or the position title of the individual(s) who is responsible for implementing and/or coordinating this MCM:

John Anderson, Assistant City Engineer

E. MCM 5: Post-construction stormwater management

1. The Permit (Part III.D.5.) requires that, within 12 months of the date permit coverage is extended, existing permittees shall revise their current program, as necessary, and continue to implement and enforce a post-construction stormwater management program. Describe your current program:

Our current practice requires that projects prove they have received permit approval for the NPDES construction site permit as well as the Rice Creek Watershed District. Additionally we require that the completed project be documented in a grading as built survey. a Certificate of Occupancy will not be issued until permit requirements have been completed

2. Have you established written procedures for site plan reviews that you will conduct prior to the start of construction activity? ☐ Yes ☒ No
3. Answer **yes** or **no** to indicate whether you have the following listed procedures for documentation of post-construction stormwater management according to the specifications of Permit (Part III.D.5.c.):
- a. Any supporting documentation that you use to determine compliance with the Permit (Part III.D.5.a), including the project name, location, owner and operator of the construction activity, any checklists used for conducting site plan reviews, and any calculations used to determine compliance? ☐ Yes ☒ No
- b. All supporting documentation associated with mitigation projects that you authorize? ☐ Yes ☒ No
- c. Payments received and used in accordance with Permit (Part III.D.5.a.(4)(f))? ☐ Yes ☒ No
- d. All legal mechanisms drafted in accordance with the Permit (Part III.D.5.a.(5)), including date(s) of the agreement(s) and names of all responsible parties involved? ☐ Yes ☒ No

If you answered **no** to any of the above permit requirements, describe the steps that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met.

Within 6 months we will assess the changes needed in our program to meet the permit requirements (Part III.D.5.c.). Our current program has no contingency for mitigation and this is where the bulk of the changes will need to take place. Within 12 months, complete a revised program meeting the permit and document in writing the new process Including obtaining City Council approval on changes to ordinances needed to provide the legal basis to implement the program.

4. List the categories of BMPs that address your post-construction stormwater management program. Use the first table for categories of BMPs that you have established and the second table for categories of BMPs that you plan to implement over the course of the permit term.

Include the measurable goals with appropriate timeframes that each BMP category will be implemented and completed. In addition, provide interim milestones and the frequency of action in which the permittee will implement and/or maintain the BMPs. Refer to the EPA's *Measurable Goals Guidance for Phase II Small MS4s* (<http://www.epa.gov/npdes/pubs/measurablegoals.pdf>). If you have more than five categories, hit the tab key after the last line to generate a new row.

Established BMP categories	Measurable goals and timeframes
Development and Implementation of Structural and Non Structural BMPs	Number of detention and retention BMPs installed each year
Regulatory Mechanism to address post construction runoff from new development and redevelopment	Review annually
Long term operation and maintenance of BMPs	Review annually

BMP categories to be implemented	Measurable goals and timeframes
Establish written procedures for site plan reviews which include submittal data requirements, documentations related to mitigation, accounting of mitigation credits and the legal mechanism used for mitigation sites	Complete written procedures within 12 months of permit coverage extension and obtain city council approval of the necessary changes to city ordinances to provide for the implementation of the site plan review.

5. Provide the name or the position title of the individual(s) who is responsible for implementing and/or coordinating this MCM:

John Anderson, Assistant City Engineer

F. MCM 6: Pollution prevention/good housekeeping for municipal operations

1. The Permit (Part III.D.6.) requires that, within 12 months of the date permit coverage is extended, existing permittees shall revise their current program, as necessary, and continue to implement an operations and maintenance program that prevents or reduces the discharge of pollutants from the permittee owned/operated facilities and operations to the small MS4. Describe your current program:

Our current pollution prevention and good housekeeping program focuses mainly on the programs that can have the largest citywide results. We sweep all city streets twice a year, once in the spring and once in the fall. We have undertaken a large effort in the last two years to understand our system by inspecting roughly 75% of the outfalls, 100% of the structural pollution control devices and all of our rain gardens.

2. Do you have a facilities inventory as outlined in the Permit (Part III.D.6.a.)? ☐ Yes ☒ No
3. If you answered **no** to the above permit requirement in question 2, describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, this permit requirement is met:
- over the next 6 months we will be identifying facilities to include in the inventory, assembling data. Within 12 months we will complete a facility inventory as outlined in the permit (Part III.D.6.a)*
4. List the categories of BMPs that address your pollution prevention/good housekeeping for municipal operations program. Use the first table for categories of BMPs that you have established and the second table for categories of BMPs that you plan to implement over the course of the permit term.

Include the measurable goals with appropriate timeframes that each BMP category will be implemented and completed. In addition, provide interim milestones and the frequency of action in which the permittee will implement and/or maintain the BMPs. For an explanation of measurable goals, refer to the EPA's *Measurable Goals Guidance for Phase II Small MS4s* (<http://www.epa.gov/npdes/pubs/measurablegoals.pdf>).

If you have more than five categories, hit the tab key after the last line to generate a new row.

Established BMP categories	Measurable goals and timeframes
Municipal Operations and Maintenance Program	Length of pipe cleaned annually
Street Sweeping	Program and procedures exist
Annual Inspection of all structural pollution control devices	Number inspected annually
Annual inspection of outfalls and ponds	Number inspected annually
Annual Inspection of all exposed stockpile, storage and material handling areas	Inspection completed each quarter
BMP categories to be implemented	Measurable goals and timeframes
Identify facilities to include in the inventory	Complete inventory, within 12 months of permit extension
Develop a seasonal position for the purpose of maintaining stormwater facilities such as rain gardens, grit chambers, etc.	Add the position to the operating budget, staff the position with city council approval
Collaborate with Ramsey County Public works on operations at the Public Works Garage with is owned and operated Ramsey County Public Works	Hold quarterly meeting between Ramsey County and City public works employees to coordinate city staff's role in the implementation of Ramsey County's NPDES – MS4 Plan

5. Does discharge from your MS4 affect a Source Water Protection Area (Permit Part III.D.6.c.)? ☒ Yes ☐ No

a. If **no**, continue to 6.

b. If **yes**, the Minnesota Department of Health (MDH) is in the process of mapping the following items. Maps are available at <http://www.health.state.mn.us/divs/eh/water/swp/maps/index.htm>. Is a map including the following items available for your MS4:

1) Wells and source waters for drinking water supply management areas identified as vulnerable under Minn. R. 4720.5205, 4720.5210, and 4720.5330? ☒ Yes ☐ No

2) Source water protection areas for surface intakes identified in the source water assessments conducted by or for the Minnesota Department of Health under the federal Safe Drinking Water Act, U.S.C. §§ 300j – 13? ☐ Yes ☒ No

c. Have you developed and implemented BMPs to protect any of the above drinking water sources? ☐ Yes ☒ No

6. Have you developed procedures and a schedule for the purpose of determining the TSS and TP treatment effectiveness of all permittee owned/operated ponds constructed and used for the collection and treatment of stormwater, according to the Permit (Part III.D.6.d.)? ☐ Yes ☒ No

7. Do you have inspection procedures that meet the requirements of the Permit (Part III.D.6.e.(1)-(3)) for structural stormwater BMPs, ponds and outfalls, and stockpile, storage and material handling areas? ☒ Yes ☐ No

8. Have you developed and implemented a stormwater management training program commensurate with each employee's job duties that:

a. Addresses the importance of protecting water quality? ☐ Yes ☒ No

b. Covers the requirements of the permit relevant to the duties of the employee? ☐ Yes ☒ No

c. Includes a schedule that establishes initial training for new and/or seasonal employees and recurring training intervals for existing employees to address changes in procedures, practices, techniques, or requirements? ☐ Yes ☒ No

9. Do you keep documentation of inspections, maintenance, and training as required by the Permit (Part III.D.6.h.(1)-(5))? ☒ Yes ☐ No

If you answered **no** to any of the above permit requirements listed in **Questions 5 – 9**, then describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met:

Develop BMPs targeting protection of surface water source intakes within 6 months, develop and implement those BMPs within 12 months

Develop and implement procedures for determining the TSS and TP treatment effectiveness within 12 months

develop and implement training programs that include topics such as protecting water quality, duties of the employee. The program will need to establish a schedule for different employee classes such as new hire, seasonal, existing employee. This program will be in place within 12 months

10. Provide the name or the position title of the individual(s) who is responsible for implementing and/or coordinating this MCM:

John Anderson, Assistant City Engineer

VI. Compliance Schedule for an Approved Total Maximum Daily Load (TMDL) with an Applicable Waste Load Allocation (WLA) (Part II.D.6.)

A. Do you have an approved TMDL with a Waste Load Allocation (WLA) prior to the effective date of the Permit? ☐ Yes ☒ No

1. If **no**, continue to section VII.

2. If **yes**, fill out and attach the MS4 Permit TMDL Attachment Spreadsheet with the following naming convention: *MS4NameHere_TMDL*.

This form is found on the MPCA MS4 website: <http://www.pca.state.mn.us/ms4>.

VII. Alum or Ferric Chloride Phosphorus Treatment Systems (Part II.D.7.)

- A. Do you own and/or operate any Alum or Ferric Chloride Phosphorus Treatment Systems which are regulated by this Permit (Part III.F.)? ☐ Yes ☒ No

1. If **no**, this section requires no further information.
2. If **yes**, you own and/or operate an Alum or Ferric Chloride Phosphorus Treatment System within your small MS4, then you must submit the Alum or Ferric Chloride Phosphorus Treatment Systems Form supplement to this document, with the following naming convention: *MS4NameHere_TreatmentSystem*.

This form is found on the MPCA MS4 website: <http://www.pca.state.mn.us/ms4>.

VIII. Add any Additional Comments to Describe Your Program

Arden Hills, MN Code of Ordinances

Section 1020 - Illicit Discharge and Connections

1020.01 Purpose.

The purpose of the ordinance is to promote, preserve and enhance the natural resources within the City and protect them from adverse effects caused by non-storm water discharge by regulating discharges that would have an adverse and potentially irreversible impact on water quality and environmentally sensitive land. This ordinance will provide for the health, safety, and general welfare of the citizens of the City through the regulation of non-storm water discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This ordinance establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this ordinance are:

- A) To regulate the contribution of pollutants to the municipal separate storm sewer system (MS4) by storm water discharges by any person.
- B) To prohibit Illicit Connections and Discharges to the municipal separate storm sewer system.
- C) To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this ordinance.

1020.02 Definitions.

- Best Management Practices (BMPs). Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.
- Practices that focus on preserving open space, protecting natural systems, and incorporating existing landscape features such as wetlands and stream corridors to manage storm water at its source. Other practices include clustering and concentrating development, minimizing disturbed areas, and reducing the size of impervious areas.
- Structural BMP: a physical device that is typically designed and constructed to trap or filter pollutants from runoff, or reduce runoff velocities.
- City. The City of Arden Hills.

- **Clean Water Act.** The federal Water Pollution Control Act (33 U.S.C. ' 1251 et seq.), and any subsequent amendments thereto.
- **Construction Activity.** Activities subject to NPDES Construction Permits. These include construction projects resulting in land disturbance of one acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.
- **Hazardous Materials.** Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.
- **Illegal/Illicit Discharge.** Any direct or indirect non-storm water discharge to the storm drain system, except as exempted in this ordinance.
- **Illicit Connection.** An illicit connection is defined as either of the following:
 - Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system (including any non-storm water discharge) including wastewater, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by the City; or,
 - Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by the City.
- **Industrial Activity.** Activities subject to NPDES Industrial Storm Water Permits as defined in 40 CFR, Section 122.26 (b)(14).
- **Maximum Extent Practicable (MEP).** A standard for water quality that applies to all MS4 operators regulated under the NPDES program. Since no precise definition of MEP exists, it allows for maximum flexibility on the part of MS4 operators as they develop and implement their programs to reduce the discharge of pollutants to the maximum extent practicable, including management practices, control techniques and system, design and engineering methods, and such other provisions as the Administrator or the State determines appropriate for the control of pollutants.
- **MPCA.** The Minnesota Pollution Control Agency.
- **Municipal Separate Storm Sewer System (MS4).** The system of conveyances (including sidewalks, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, channels, or storm drains) owned and operated by the City and designed or used for collecting or conveying storm water, and which is not used for collecting or conveying sewage.
- **National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit.** A permit issued by the Minnesota Pollution Control Agency (MPCA) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.
- **Non-Storm Water Discharge.** Any discharge to the storm drain system that is not composed entirely of storm water.

- **Person.** Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.
- **Pollutant.** Any substance which, when discharged has potential to or does any of the following:
 - Interferes with state designated water uses;
 - Obstructs or causes damage to waters of the state;
 - Changes water color, odor, or usability as a drinking water source through causes not attributable to natural stream processes affecting surface water or subsurface processes affecting groundwater;
 - Adds an unnatural surface film on the water;
 - Adversely changes other chemical, biological, thermal, or physical condition, in any surface water or stream channel;
 - Degrades the quality of groundwater; or
 - Harms human life, aquatic life, or terrestrial plant and wildlife; A Pollutant includes but is not limited to dredged soil, solid waste, incinerator residue, garbage, wastewater sludge, chemical waste, biological materials, radioactive materials, rock, sand, dust, industrial waste, sediment, nutrients, toxic substance, pesticide, herbicide, trace metal, automotive fluid, petroleum-based substance, wastewater, and oxygen-demanding material.
- **Pollute.** To discharge pollutants into waters of the state.
- **Pollution.** The direct or indirect distribution of pollutants into waters of the state.
- **Premises.** Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.
- **Storm Sewer System.** Publicly-owned facilities by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.
- **Storm Water.** Any surface flow, runoff, or drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.
- **Stormwater Pollution Prevention Plan (SWPPP).** A document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the Maximum Extent Practicable.
- **Surface Waters.** All waters of the state other than ground waters, which include ponds, lakes, rivers, streams, wetlands, ditches, and public drainage systems except those designed and used to collect, convey, or dispose of sanitary sewage.
- **Wastewater.** Any water or other liquid, other than uncontaminated storm water, discharged from a facility or the by-product of washing equipment or vehicles.

- Watercourse. A ditch, stream, creek, or other defined channel intended for the conveyance of water, runoff, groundwater discharge or similar hydraulic or hydrologic purpose.
- Waters of the state. All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof.

1020.03 Applicability and Administration.

Subd. 1 Applicability. This ordinance shall apply to all water entering the storm sewer system generated on any developed and undeveloped lands unless explicitly exempted by the City.

Subd. 2 Responsibility for Administration. The City and its authorized representatives are authorized to administer, implement, and enforce the provisions of this ordinance.

1020.04 Compatibility with Other Regulations.

Subd. 1 Compatibility. This ordinance is not intended to modify or repeal any other ordinance, rule, regulation, or other provision of law. The requirements of this ordinance are in addition to the requirements of any other ordinance, rule, regulation, or other provision of law, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule, regulation or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

1020.05 Discharge Prohibitions.

Subd. 1 Illegal Disposal and Dumping.

A. No person shall throw, deposit, place, leave, maintain, or keep any substance upon any street, alley, sidewalk, storm drain, inlet, catch basin, or other drainage structure, business place, or upon any public or private land, so that the same might be or become a pollutant, unless the substance is in containers, recycling bags, or any other lawfully established waste disposal device.

B. No person shall intentionally dispose of grass, leaves, dirt, or landscape material into a water resource, buffer, street, road, alley, catch basin, culvert, curb, gutter, inlet, ditch, natural watercourse, flood control channel, canal, storm drain or any fabricated natural conveyance.

Subd. 2 Illegal/Illicit Discharges.

A. No person shall throw, drain, or otherwise discharge, cause, or allow others under its control to throw, drain, or otherwise discharge into the municipal storm sewer system or surface water any materials, pollutants or waters containing any pollutants, other than storm water. The commencement, conduct or continuance of any illegal discharge to the storm sewer system is prohibited except as described as follows:

1. The following discharges are exempt from discharge prohibitions established by this ordinance: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), sump pumps, crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wetland flows, dechlorinated swimming pools, and any other water source not containing pollutants.

2. Discharges or flow from fire fighting, or other activities deemed necessary by the City to protect public health and safety.

3. Consists of dye testing discharge, as long as a verbal notification is made to the City Public Works Director prior to the time of the test.

4. Consists of non-storm water discharge permitted under a NPDES permit, waiver, or waste discharge order issued and administered under the authority of the Minnesota Pollution Control Agency (MPCA).

Subd. 3 Illicit Connections.

A. No person shall use any illicit connection to intentionally convey non-storm water to the City's storm sewer system.

B. The construction, use, maintenance or continued existence of illicit connections to the storm sewer system is prohibited. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

C. A person is considered to be in violation of this ordinance if the person connects a line conveying wastewater to the storm sewer system, or allows such a connection to continue.

D. Improper connections in violation of this division must be disconnected and redirected, if necessary, to an approved onsite wastewater management system or the sanitary sewer system upon approval of the City.

E. Any drain or conveyance that has not been documented in plans, maps or equivalent, and which may be connected to the storm sewer system, shall be located by the owner or occupant of that property upon receipt of written notice of violation from the City requiring that such locating be completed. Such notice will specify a reasonable time period within which the location of the drain or conveyance is to be determined, that the drain or conveyance be identified as storm sewer, sanitary sewer or other, and that the outfall location or point of connection to the storm sewer system, sanitary sewer system or other discharge point be identified. Results of these investigations are to be documented and provided to the City.

1020.06 Industrial or Construction Activity Discharges.

Any person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the City prior to the allowing of discharges to the MS4. Any person responsible for a

property or premise, who is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the storm sewer system. These BMPs shall be part of a storm water pollution prevention plan (SWPPP) as necessary for compliance with requirements of the NPDES permit.

1020.07 Access to Facilities

Subd. 1 When the City has determined that there is a danger to the health, safety or welfare of the public, City representatives shall be permitted to enter and inspect facilities subject to regulation under this ordinance as often as may be necessary to determine compliance with this ordinance. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to City representatives.

Subd. 2 Unreasonable delays in allowing the City access to a permitted facility is a violation of a storm water discharge permit and of this ordinance.

Subd. 3 The City may seek issuance of a search warrant for the following reasons:

- A. If city representatives are refused access to any part of the premises from which storm water is discharged, and there is probable cause to believe that there may be a violation of this ordinance; or
- B. there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this ordinance or any order issued hereunder; or
- C. to protect the overall public health, safety, and welfare of the community.

1020.08 Watercourse Protection.

Every person, or such person's lessee, owning property through which a watercourse passes or is directly adjacent to a watercourse, shall keep and maintain that part of the watercourse free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

1020.09 Notification of Spills.

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm sewer system, or water of the state, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release according to state and federal laws.

1020.10 Suspension due to Illicit Discharges in Emergency Situations.

The City may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or Waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the City may take such steps as deemed necessary to prevent or minimize damage to the MS4 or Waters of the United States, or to minimize danger to persons.

1020.11 Suspension due to the Detection of Illicit Discharge.

Any person discharging to the MS4 in violation of this ordinance may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The City will notify a violator of the proposed termination of its MS4 access. The violator may petition the authorized enforcement agency for a reconsideration and hearing. A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of the City.

1020.12 Enforcement.

Subd. 1 Notice of Violation. A violation of this ordinance is a Public Nuisance. Whenever the City finds that a person has violated a prohibition or failed to meet a requirement of this Ordinance, the City may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

- A. The performance of monitoring, analyses, and reporting;
- B. The elimination of illicit connections or discharges;
- C. That violating discharges, practices, or operations shall cease and desist;
- D. The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property; and
- E. Payment of a fine to cover administrative and remediation costs; and
- F. The implementation of source control or treatment BMPs.

If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

Subd. 2 Appeal of Notice of Violation. Any person receiving a Notice of Violation may appeal the determination of the City. The notice of appeal must be received within 7 days from the date of the Notice of Violation. Hearing on the appeal before the City Administrator or his/her designee shall take place within 15 days from the date of receipt of the notice of appeal. The decision of the municipal authority or their designee shall be final.

Subd. 3 Enforcement Measures After Appeal. If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within 7 days of the decision of the City Administrator upholding the decision of the City, then representatives of the City shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.

Subd. 4 Cost of Abatement of the Violation. Within 15 days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment within 7 days. If the amount due is not paid within a timely manner as determined by the decision of the municipal authority or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien upon the property, and the City shall have the right to assess such cost against the property owned by such violator(s) pursuant to Minnesota Statute § 429.101.

Subd. 5 Injunctive Relief. It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this ordinance. If a person has violated or continues to violate the provisions of this ordinance, the City may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

Subd. 6 Compensatory Action. In lieu of enforcement proceedings, penalties, and remedies authorized by this ordinance, the City may impose upon a violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.

Subd. 7 Criminal Prosecution. A violation of this ordinance is a misdemeanor.

Subd. 8 Costs and Expenses. The City may recover all attorney's fees court costs and other expenses associated with enforcement of this ordinance, including sampling and monitoring expenses.

Subd. 9 Remedies Not Exclusive. The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

Arden Hills, MN Code of Ordinances

Chapter 15 - Erosion and Sediment Control

Section 1500 - Purpose and Scope

1500.01 Purpose.

The purpose of this regulation is to control or eliminate soil erosion and sedimentation within the City of Arden Hills. The regulation establishes standards and specifications for conservation practices and planning activities which minimize soil erosion and sedimentation and work to protect the City's natural resources for the health, safety, and welfare of the public.

1500.02 Scope.

Except as exempted by the definition of the term "land disturbance activity" in Section 1510.01, any person, firm, sole proprietorship, partnership, corporation, state agency, or political subdivision thereof proposing land disturbance activity within the City shall apply to the Public Works Director or appointed designee (herein called "PWD") for the approval of the Erosion and Sediment Control Plan. No land shall be disturbed until the Plan is approved by the PWD and conforms to the standards set forth in this article.

Section 1510 - Definitions

1510.01 Definitions.

For the purposes of this ordinance, the following terms have the meanings given them in this section:

- **Best Management Practices (BMP).** Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

- **Non-structural BMP:** Practices that focus on preserving open space, protecting natural systems, and incorporating existing landscape features such as wetlands and stream corridors to manage storm water at its source. Other practices include clustering and concentrating development, minimizing disturbed areas,

and reducing the size of impervious areas.

- **Structural BMP:** a physical device that is typically designed and constructed to trap or filter pollutants from runoff, or reduce runoff velocities.

- **Bluff.** A topographic feature such as a hill, cliff, or embankment having the following characteristics (an area with an average slope of less than 18 percent over a distance for 50 feet or more shall not be considered part of the bluff):

- Part or all of the topographic feature is located in a shoreland area;
- The slope rises at least twenty five (25) feet above the ordinary high water level of the waterbody;
- The grade of the slope from the toe, or bottom, of the bluff to a point twenty five (25) feet or more above the ordinary high water level averages thirty percent (30%) or greater; and
- The slope must drain toward the waterbody.

- **Certificate of Completion.** The certificate issued after the final inspection of the site has been completed, temporary erosion control has been removed and the site has been fully restored.

- **Clearing and grubbing.** The cutting and removal of trees, shrubs, bushes, windfalls and other vegetation including removal of stumps, roots, and other remains in the designated areas.

- **Erosion.** Any process that wears away the surface of the land by the action of water, wind, ice, gravity and/or land disturbance activities. Erosion can be accelerated by the activities of man and nature.

- **Erosion and Sediment Control Plan (Plan)** is a plan which includes a set of best management practices or equivalent measures designed to control surface runoff and erosion and to retain sediment on a particular site during the period in which pre-construction and construction related land disturbances, fills, and soil storage occur, and before final improvements are completed, all in accordance with the specific requirements set forth in Section 1520. This Plan shall also include permanent measures and Best Management Practices to control post-construction surface runoff and sediment.

- **Erosion and sediment control practice specifications and erosion and sediment control practices.** The management procedures, techniques, and methods to control soil erosion and sedimentation as officially adopted by the City.

- **Excavation.** The mechanical removal of earth material.

- **Fill.** The deposit of soil or other earth materials placed by artificial means.

- **General Storm Water Permit.** The Minnesota Pollution Control Agency's (MPCA) general National Pollutant Discharge Elimination System (NPDES) construction storm water permit covering anyone conducting a land disturbing activity which disturbs one (1) or more acres of total land area.

- **Grading.** Excavation or fill of material, including the resulting conditions thereof.

- **Land Disturbance Activity.** Any land change greater than 5,000 square feet or 50 cubic yards, or land change on a parcel of land located within a shoreland area or adjacent to a surface water that may result in soil erosion from wind, water and/or ice and the movement of sediments into or upon waters or

lands of the city, including but not limited to construction, clearing and grubbing, grading, excavating, transporting and filling of land. Land Disturbance Activity does not mean the following:

- Minor land disturbance activities such as home gardens and an individual's home landscaping, repairs and maintenance work;
- Additions or modifications to existing single-family dwellings that will result in creating under 5,000 square feet of exposed soil and/or impervious surface;
- Construction, installation and maintenance of electric, telephone, and cable television utility lines or individual service connection to these utilities, except where a minimum of 5,000 square feet of land disturbance can be anticipated;
- Tilling, planting or harvesting of agricultural, horticultural, or silvicultural crops;
- Installation of fence, sign, telephone, and electric poles and other kinds of posts, bollards or poles; and
- Emergency work to protect life, limb, or property and emergency repairs. However, if the land disturbing activity would have required an approved Erosion and Sediment Control Plan except for the emergency, then the land area disturbed shall be shaped and stabilized in accordance with the requirement of the PWD when applicable.
- Outfall. The point source where a storm sewer system discharges from a pipe, ditch, or other discrete conveyance to receiving waters, or to a storm sewer system owned and operated by another party.
- Permittee. A person, firm, sole proprietorship, partnership, corporation, state agency or political subdivision thereof engaged in a land disturbance activity who submits an application to the PWD for a permit pursuant to this ordinance.
- Phasing. Clearing a parcel of land in distinct phases, with the stabilization of each phase before the clearing of the next.
- Ramsey Conservation District. The Ramsey Soil and Water Conservation District.
- Rice Creek Watershed District. An organization which oversees the activities in the Rice Creek watershed as defined by Minnesota Statutes, Sections 103B, and 103D.
- Runoff. Rainfall, snowmelt, or irrigation water flowing over the ground surface.
- Sediment. Solid mineral or organic material that, in suspension, is being transported, or has been moved from its original site by air, water, gravity, or ice, and has been deposited at another location.
- Sedimentation. The process or action of depositing sediment, caused by erosion.
- Site. The entire area of land on which the land disturbance activity is proposed in the permit application.
- Site Plan. A plan or set of plans showing the details of any land disturbance activity of a site including but not limited to the construction of: structures, open and enclosed drainage facilities, stormwater

management facilities, parking lots, driveways, curbs, pavements, sidewalks, bike paths, recreational facilities, ground covers, plantings, and landscaping.

- Shoreland. The land located within the following distances from protected waters:
 - One thousand (1,000) feet from the ordinary high water mark of a lake, pond, or flowage;
 - Three hundred (300) feet from a river or stream, or the landward extent of a flood plain on such rivers or streams, whichever is greater; and,
 - The practical limits of shorelands may be less than the statutory limits where the limits are designated by natural drainage divides at lesser distances, as shown on the official map of the City.
- Stabilization. The use of measures which protect soil from the erosion forces of wind, rain and flowing water.
- Steep Slope. Land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in available county soil surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of this chapter. Where specific information is not available, steep slopes are lands having average slopes over twelve percent (12%), as measured over horizontal distances of fifty (50) feet or more, that are not bluffs.
- Surface Water or Waters. All streams, lakes, ponds, marshes, wetlands, reservoirs, springs, rivers, drainage systems, waterways, watercourses, and irrigation systems whether natural or artificial, public or private.
- Utility. The owner/operator of any underground facility including an underground line, facility, system, and its appurtenances used to produce, store, convey, transmit, or distribute communications, data, electricity, power, heat, gas, oil, petroleum products, water (including stormwater), steam, sewage and other similar substances.
- Watercourse. Any natural or improved stream, river, creek, ditch, channel, canal, conduit, gutter, culvert, drain, gully, swale, or wash in which waters flow either continuously or intermittently.
- Watershed. A region draining to a specific river, river system, or body of water.
- Wetlands. A lowland area such as a marsh, that is saturated with moisture, as defined in Sec. 404, Federal Water Pollution Control Act Amendments of 1987, or the Minnesota Wetland Conservation Act of 1991.

Section 1520 - Erosion and Sediment Control Plans and Review

1520.01 Erosion and Sediment Control Plan.

Subd. 1 Required. An Erosion and Sediment Control Plan must be submitted to the PWD for every project involving a land disturbance activity. No building permit, site plan approval, subdivision approval,

or permit to allow land disturbing activities shall be issued and no earth disturbing activity shall commence until approval of the Erosion and Sediment Control Plan.

Projects coordinated by Ramsey County or Mn/DOT do not require a permit; however, the PWD shall be notified of the project and be provided a copy of the Erosion and Sediment Control Plan, as well as an estimated schedule for commencement and completion. The PWD shall notify the designated contact if erosion control measures should fail or require maintenance with the expectation that the deficiencies will be corrected.

If no permit has been obtained, a stop work order may be issued on the construction and a fine may be issued in an amount equal to twice the required permit fee. A completed Erosion and Sediment Control Plan and permit application shall be submitted before construction will be allowed to resume.

Obtaining a permit does not exempt the Permittee from obtaining permits required by other governmental agencies.

Subd. 2 Application Fee. The Permittee shall submit an application fee as specified on the City's Fee Schedule as adopted and revised annually by the City Council by ordinance. The fee is non-refundable and shall cover any review costs accrued within one (1) year of the date of payment.

Subd. 3 Criteria. The Erosion and Sediment Control Plan shall minimize soil erosion or sediment from damaging adjacent land. A Permittee engaged in a Land Disturbance Activity shall submit an Erosion and Sediment Control Plan that will minimize soil erosion or sediment from damaging adjacent land, bodies of water, watercourses or wetlands to the PWD for approval.

The Erosion and Sediment Control Plan shall address the following criteria:

- A. Conform to the natural limitations presented by topography and soil so as to create the least potential for soil erosion.
- B. Stabilize all exposed soils and soil stockpiles;
- C. Establish permanent vegetation;
- D. Prevent sediment damage to adjacent properties and other designated areas;
- E. Schedule of erosion and sediment control practices;
- F. Use of temporary sedimentation basins;
- G. Stabilization of steep slopes and bluffs;
- H. Control the storm water leaving a site;
- I. Stabilize all waterways and outlets;
- J. Protect storm sewers and outfalls from the entrance of sediment, debris and trash;
- K. Control waste, such as discarded building materials, concrete truck washout, chemicals, litter and sanitary waste that may adversely impact water quality;
- L. When working in or crossing water bodies, take precautions to contain sediment;

- M. Re-stabilize utility construction areas as soon as possible;
- N. Protect paved roads from sediment and mud brought in from access routes;
- O. Dispose of temporary erosion and sediment control measures;
- P. Maintain all temporary and permanent erosion and sediment control practices; and,
- Q. Removal of sediment from streets at the end of each day

Subd. 4 Plan Content. The Erosion and Sediment Control Plan content shall include the following unless waived by the PWD:

- A. Contact information for the Permittee;
- B. Address of site where the land disturbing activity is proposed;
- C. Signature(s) of the owner(s) of the site or an authorized representative;
- D. Project description including the nature and purpose of the land disturbing activity and the amount of grading involved;
- E. Phasing of construction and timeline;
- F. Existing and proposed site conditions, including topography, vegetation, and drainage;
- G. Adjacent areas, neighboring streams, lakes, wetlands, residential areas, roads, etc., which might be affected by the land disturbing activity;
- H. Soil data including soil names, mapping units, erodibility;
- I. Critical erosion areas, which are areas on the site that have potential for serious erosion problems;
- J. Erosion and sediment control measures to be used on the site, both during and after the construction process;
- K. Temporary and Permanent stabilization to show how the site will be stabilized during and after construction (is completed), including specifications;
- L. Storm water management to show how storm runoff will be managed, including methods to be used if the development will result in increased peak rates or volume of runoff;
- M. Maintenance and schedule of regular inspections and repair of erosion and sediment control structures; and,
- N. Any calculations that were made for the design of such items as sediment basins, diversions, waterways, and other applicable practices.

1520.02 Review of Permit Application

Subd. 1 General. The PWD shall review the Erosion and Sediment Control Plan to ensure compliance with the erosion and sediment control practice specifications and erosion and sediment control practices.

Subd. 2 Permit Approval. If the PWD determines that the Erosion and Sediment Control Plan meets the requirements of this ordinance, the PWD shall issue a permit, valid for a specified period of time that authorizes the land disturbance activity contingent on the implementation and completion of the Erosion and Sediment Control Plan.

Subd. 3 Permit Denial. If the PWD determines that the Erosion and Sediment Control Plan does not meet the requirements of this article, the PWD shall not issue a permit for the land disturbance activity. The Erosion and Sediment Control Plan must be resubmitted for approval before the land disturbance activity begins. No land use and building permits shall be issued until the Permittee has an approved Erosion and Sediment Control Plan.

1520.03 Escrow Requirement.

After approval of an Erosion and Sediment Control Plan, the PWD may require the Permittee to escrow a sum of money sufficient to ensure the installation, completion, maintenance, inspection, and enforcement of the Erosion and Sediment Control Plan and practices. Escrow amounts shall be set by Ordinance in the City fee schedule. Upon project completion, the remaining escrow shall be returned to the Permittee.

1520.04 Modification of Plan.

An approved Erosion and Sediment Control Plan may be modified upon submission of an application for modification to the PWD and subsequent approval by the PWD. In reviewing such application, the PWD may require additional reports and data.

Section 1530 - Implementation and Maintenance

1530.01 Implementation and Maintenance of Plan.

All storm water pollution controls noted on the approved Erosion and Sediment Control Plan shall be installed before commencing the land disturbing activity and shall not be removed without PWD approval or approval of a Certificate of Completion. Noncompliance with the Erosion and Sediment Control Plan shall constitute grounds for an order from the PWD to halt all construction.

1530.02 Implementation.

The plan implementation shall incorporate the following:

Subd. 1 Existing vegetation shall be retained whenever feasible.

Subd. 2 Land shall be disturbed in increments of workable size such that adequate erosion and sediment control can be provided and maintained as construction progresses. The area exposed shall be stabilized in conformance with best management practices and with the maintenance requirements in the NPDES

General Construction Permit. Soil stabilization measures should be selected to be appropriate for the time of year, site conditions, and estimated duration of use.

Subd. 3 The location of areas not to be disturbed shall be identified with flags, stakes, signs, silt fence, etc. before construction begins.

Subd. 4 Down-gradient sediment controls shall be in place before up-gradient land disturbing activity begins.

Subd. 5 All storm drains, inlets and outfalls shall be protected until all sources of potential discharge are stabilized.

Subd. 6 Temporary stockpiles shall have effective sediment control and cannot be placed in surface waters or storm water conveyance systems.

Subd. 7 Vehicle tracking from the site shall be minimized with the use of stone pads, concrete or steel wash racks, or equivalent systems.

Subd. 8 Street sweeping shall be used if BMPs are not adequate to prevent sediment from being tracked into the street.

1530.03 Responsibility.

The Permittee shall be responsible for proper operation and maintenance of all stormwater pollution controls and soil stabilization measures in conformance with best management practices and with the maintenance requirements in the NPDES General Construction Permit. The Permittee is responsible for the operation and maintenance of temporary erosion at the site. The Permittee is responsible until another Permittee has assumed control over all areas of the site that have not been finally stabilized or the site has undergone final stabilization, and has received an approved Certificate of Completion. The Permittee is responsible for maintenance, clean-up and all damages caused by flooding of the site or surrounding area due to in-place erosion or sediment control.

Section 1540 - Enforcement

1540.01 Erosion and Sediment Control Permit Enforcement.

If the PWD determines that erosion and sedimentation control is not being implemented or maintained according to the approved Plan, the Permittee will be notified and provided with a list of corrective work to be performed. Notification may be given by personal delivery upon the Permittee, or an officer, partner, manager or designated representative of the Permittee, or by e-mail or facsimile by sending such notice to the e-mail address or facsimile number provided by the Permittee. Upon the receipt of a Non-Compliance Notice from the PWD, the Permittee shall undertake a corrective action.

Subd. 1 Types of Corrective Actions.

A. Violations Contained on the Construction Site. Permittee shall complete clean-up and restoration

within forty-eight (48) hours of receipt of the Non-Compliance Notice.

B. Violation Impacting Adjoining Property. Permittee shall develop and complete a clean-up and restoration plan within forty-eight (48) hours of receipt of a Non-Compliance Notice unless the affected adjoining property owner refuses Permittee access to the adjoining property. In all cases, clean-up and restoration shall be completed within seven (7) days of receipt of the Non-Compliance Notice, unless an extension is granted by the PWD.

C. Violations Impacting Streets, Wetlands, or Water Bodies. Permittee shall develop and implement a clean-up and restoration plan immediately upon receipt of a Non-Compliance Notice.

Subd. 2 Failure to Comply. If Permittee fails to implement the Plan or complete any required corrective action in a timely manner, the City may pursue one or more of the remedies specified herein. All costs incurred by the City shall be paid by Permittee. Escrow funds may be used by the City for this purpose and, if such funds do not adequately cover the City's cost, the Permittee shall reimburse the City for any deficiency before continuing work on the construction site. The City may:

- A. Withhold the scheduling of inspections and/or the issuance of a Certificate of Occupancy.
- B. Issue a stop work order, ceasing all land disturbance activity on the site until such time as corrective measures are completed to the satisfaction of the PWD.
- C. Revoke any permit issued by the City to the Permittee for the Site.
- D. Direct the correction of the deficiency by City forces or by a separate contract.
- E. Obtain a Compliance Order from the appropriate court.